

DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on 30 June 2005.
2. Claims 25-48 have been added by preliminary amendment.
3. Claims 1-24 have been canceled by preliminary amendment.
4. Claims 25-48 are currently pending and have been examined.

Priority

5. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
7. Claims 25-48 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 24-48 are directed to a series of steps. In order for a series of steps to be considered a proper process under § 101, a claimed process should either: (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). Thus, to qualify as patent eligible, these processes must positively recite the other statutory class to which it is tied (e.g., by identifying the apparatus that accomplishes the method steps), or positively recite the subject matter that is being transformed (e.g., by identifying the product or material that

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is changed to a different state). Claims 25-48 identify neither the apparatus performing the recited steps nor any transformation of underlying materials, and accordingly are directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 25-27, 33-41, 43-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLintock (U.S. Pub. 2003/0212644 A1) in view of Wells et al. (U.S. 6,510,992).

Claim 25:

McLintock, as shown, discloses the following limitation(s):

- *associating the mailpiece with a mailing type on the basis of the ascertained graphic information (see at least McLintock ¶ 0010);*
- *identifying at least one of the mailpiece, a mailer, and a recipient's address on the basis of the mailing type (see at least McLintock ¶ 0010);*

- *determining a number of mailpieces processed for the mailer from the identified mailpiece, the mailer or the recipient's address* (See at least McLintock ¶ 0011);
- *combining the ascertained graphic information from a plurality of mailpieces* (see at least McLintock ¶¶ 0019-0024);
- *determining a delivery structure from the combination of graphic information* (see at least McLintock ¶ 0025);
- *comparing the number of mailpieces processed for the mailer and the delivery structure to a delivery job batch* (see at least McLintock ¶ 0041);
- *comparing the delivery job batch to a customer data record that contains one of a prepaid postage value and a limit postage value* (see at least McLintock ¶ 0041);
- *wherein the delivery job batch [is transmitted by a customer] or created if a customer does not transmit the delivery job batch* (see at least McLintock ¶ 0025).

McLintock does not specifically disclose the following limitation, but Wells et al., does:

- *ascertaining the graphic information* (see at least Wells et al. col. 2, lines 12-15);
- *wherein the delivery job batch is transmitted by a customer [or created if a customer does not transmit the delivery job batch]* (see at least Wells et al. col. 7, lines 21-27)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of comparing and combining various mailpiece data with the technique of ascertaining the data and transmitting a delivery job batch because the data could be used "to automatically perform mail verification and acceptance processes" (Wells et al. col. 2, lines 15-16).

Claim 26:

McLintock/Wells et al. as shown above, discloses the limitations of claim 25. In addition, McLintock also discloses the following limitation(s):

- *wherein the step of ascertaining includes ascertaining at least one additional piece of payment-relevant information about the mailpiece* (see at least McLintock ¶ 0010 showing a batch mail indicium).

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Claim 27:

McLintock/Wells et al. as shown above, discloses the limitations of claim 25. In addition, Wells also discloses the following limitation(s):

- *wherein the step of ascertaining the delivery structure includes checking whether the mailpiece was pre-sorted by the mailer* (see at least Wells et al. col. 6, line 44).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of comparing and combining various mailpiece data with the technique of checking for presorting in order to allow a system that "automatically measures the information by calculating and displaying parameters such as bulk postage rate . . . and additional postage due" (Wells et al. col. 6, lines 50-54).

Claim 33:

McLintock/Wells et al. as shown above, discloses the limitations of claim 25. In addition, Wells also discloses the following limitation(s):

- *wherein the step of ascertaining the graphic information includes ascertaining an identification number for the mailpiece and invoicing the mailpiece according to the identification number* (see at least Wells et al. col. 7, lines 58-59)

Wells does not specifically disclose using an identification number, but McIntock discloses using a unique stampcode (see at least McIntock ¶ 0029). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of comparing and combining various mailpiece data with the technique of using the information for billing in order that "the mailer customer's account is charged for additional postage" (Wells et al. col. 7, lines 58-59).

Claim 34:

McLintock/Wells et al. as shown above, discloses the limitations of claim 25. In addition, Wells also discloses the following limitation(s):

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- *wherein the step of ascertaining the graphic information includes ascertaining a customer number for the mailpiece and invoicing the mailpiece according to the customer number (see at least Wells et al. col. 7, lines 58-59).*

Wells does not specifically disclose using a customer number, but McIntock discloses using a unique stampcode (see at least McIntock ¶ 0029). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of comparing and combining various mailpiece data with the technique of using the information for billing in order that "the mailer customer's account is charged for additional postage" (Wells et al. col. 7, lines 58-59).

Claim 35:

McIntock/Wells et al. as shown above, discloses the limitations of claim 25. In addition, McIntock also discloses the following limitation(s):

- *including one of the step of ascertaining an invoicing database on the basis of the number of mailpieces processed for the mailer and the step of ascertaining the invoicing database on the basis of the delivery structure (see at least McIntock ¶ 0041).*

Claim 36:

McIntock/Wells et al. as shown above, discloses the limitations of claim 25. In addition, Wells also discloses the following limitation(s):

- *transmitting the delivery job batch to a customer data management system, the customer data management system determining whether there are discrepancies between an invoicing data record and the delivery job batch, and if there are discrepancies, the customer data management system recording the discrepancies in a differential protocol (see at least Wells et al. col. 3, lines 16-18).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of comparing and combining various mailpiece data with the technique of verifying the mailpieces sent because this system "ensures correct postage payments" (Wells et al. col. 3, lines 18-19).

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Claim 37:

McLintock/Wells et al. as shown above, discloses the limitations of claim 25. Regarding the limitation:

- *checking whether the customer has transmitted the delivery job batch, and if the customer has not transmitted the delivery job batch, generating a delivery job batch automatically.*

Wells et al. in at least col. 7, lines 21-27, discloses a customer submitting a delivery job batch, and McIntock, in at least ¶ 0011, discloses creating a delivery job batch. It would have been obvious to combine the method of checking for a transmitted delivery job batch before creating one because "verification has been completed at the mailer customer site, and the verification has been automatically transmitted to the Postal Service, there is no further need for verification (Wells et al. col. 7, lines 45-48).

Claim 38:

McLintock/Wells et al. as shown above, discloses the limitations of claim 25. In addition, Wells also discloses the following limitation(s):

- *issuing a delivery confirmation to the mailer on the basis of the graphic information (see at least Wells et al. col. 4, lines 3-4).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of comparing and combining various mailpiece data with the technique of allowing delivery confirmation because the mailer could then track the mailpieces.

Claim 39:

McLintock/Wells et al. as shown above, discloses the limitations of claim 38. In addition, Wells also discloses the following limitation(s):

- *wherein the delivery confirmation contains one or more components of the delivery structure (see at least Wells et al. col. 9, 28-31).*

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It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of comparing and combining various mailpiece data with the technique of allowing delivery confirmation because the mailer could then track the mailpieces.

Claim 40:

McLintock/Wells et al. as shown above, discloses the limitations of claim 25. In addition, Wells also discloses the following limitation(s):

- *checking the authenticity of franking information by using the mailing type, transmitting the mailpieces to a reading device and transmitting the graphic information of each mailpiece, according to the mailing type, to a specialized reading device that checks the authenticity of each particular type of franking* (see at least Wells et al. col. 6, lines 42-48).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of comparing and combining various mailpiece data with the technique of checking for correct franking information so that the system "automatically measures the information by calculating and displaying parameters such as bulk postage rate . . . and additional postage due" (Wells et al. col. 6, lines 50-54).

Claim 41:

McLintock/Wells et al. as shown above, discloses the limitations of claim 40. In addition, Wells also discloses the following limitation(s):

- *ascertaining the graphic information is associated with a type of franking by means of an image processing unit* (see at least Wells et al. col. 6, lines 42-48).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of comparing and combining various mailpiece data with the technique of checking for correct franking information so that the system "automatically measures the information by calculating and displaying parameters such as bulk postage rate . . . and additional postage due" (Wells et al. col. 6, lines 50-54).

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Claim 43:

McLintock/Wells et al. as shown above, discloses the limitations of claim 25. In addition, McIntock also discloses the following limitation(s):

- *comparing the ascertained graphic information to an expected graphic information and transmitting any differences to a central image processing unit for another comparison* (see at least McIntock ¶ 0036).

Claim 44:

McLintock/Wells et al. as shown above, discloses the limitations of claim 25. In addition, Wells also discloses the following limitation(s):

- *comparing the ascertained graphic information to an expected graphic information and determining an expected payment for the mailpiece from the comparison* (see at least Wells et al. col. 6, lines 42-55).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of comparing and combining various mailpiece data with the technique of checking for correct franking information so that the system "automatically measures the information by calculating and displaying parameters such as bulk postage rate . . . and additional postage due" (Wells et al. col. 6, lines 50-54).

Claim 45:

McLintock/Wells et al. as shown above, discloses the limitations of claim 44. In addition, Wells also discloses the following limitation(s):

- *wherein the comparison of the ascertained graphic information to the expected graphic information includes the steps of comparing the detected graphic information to the expected graphic information via a means in the area of the mail processing station and comparing any*

discrepancies between the ascertained graphic information and the expected graphic information via a specialized reading device (see at least Wells et al. col. 6, lines 42-55).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of comparing and combining various mailpiece data with the technique of checking for correct franking information so that the system "automatically measures the information by calculating and displaying parameters such as bulk postage rate . . . and additional postage due" (Wells et al. col. 6, lines 50-54).

Claim 46:

McLintock/Wells et al. as shown above, discloses the limitations of claim 25. In addition, Wells also discloses the following limitation(s):

- *transmitting the detected graphic information and any accompanying information to an image processing machine* (see at least Wells et al. col. 6, lines 42-55; col. 7, lines 10-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of comparing and combining various mailpiece data with the technique of checking the mailpieces against qualified presort standards so that unqualified mailpieces can be sorted out (Wells et al. col. 7, lines 17-20).

Claim 47:

McLintock/Wells et al. as shown above, discloses the limitations of claim 46. In addition, Wells also discloses the following limitation(s):

- *wherein the accompanying information includes results from comparing the detected graphic information and the expected graphic information* (see at least Wells et al. col. 6, lines 42-55; col. 7, lines 10-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of comparing and combining various mailpiece data with the technique of checking the mailpieces

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against qualified presort standards so that unqualified mailpieces can be sorted out (Wells et al. col. 7, lines 17-20).

Claim 48:

McLintock/Wells et al. as shown above, discloses the limitations of claim 25. In addition, Wells also discloses the following limitation(s):

- *sorting the mailpieces as a function of the detected graphic information* (see at least Wells et al. col. 7, lines 10-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of comparing and combining various mailpiece data with the technique of sorting the mailpieces so that unqualified mailpieces can be sorted out (Wells et al. col. 7, lines 17-20).

11. Claims 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over McIntock/Wells et al. in view of Vaghi (U.S. Pub. 2004/0064326 A1).

Claim 28:

McLintock/Wells et al. as shown above, discloses the limitations of claim 27. Wells et al. discloses checking the pre-sort status (see at least col. 6, line 44), but does not disclose the basis of the pre-sort. However, Vaghi, does:

- wherein the step of determining the delivery structure further includes checking whether the pre-sorting was carried out on the basis of addresses of the recipient (see at least Vaghi ¶ 0086).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of comparing and combining various mailpiece data that is presorted with the technique of presorting by address in order to allow the system that "automatically measures the information by calculating and displaying parameters such as bulk postage rate . . . and additional postage due" (Wells et al. col. 6, lines 50-54).

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Claim 29:

McLintock/Wells et al. as shown above, discloses the limitations of claim 27. Wells et al. discloses checking the pre-sort status (see at least col. 6, line 44), but does not disclose the basis of the pre-sort. However, Vaghi, does:

- wherein the step of determining the delivery structure further includes checking whether the pre-sorting was carried out on the basis of postal codes of the recipient (see at least Vaghi ¶ 0086).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of comparing and combining various mailpiece data that is presorted with the technique of presorting by zip code in order to allow the system that "automatically measures the information by calculating and displaying parameters such as bulk postage rate . . . and additional postage due" (Wells et al. col. 6, lines 50-54).

Claim 30:

McLintock/Wells et al. as shown above, discloses the limitations of claim 27. Wells et al. discloses checking the pre-sort status (see at least col. 6, line 44), but does not disclose the basis of the pre-sort. However, Vaghi, does:

- wherein the step of determining the delivery structure further includes checking whether the mailpieces were pre-sorted according to mailing properties (see at least Vaghi ¶ 0086).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of comparing and combining various mailpiece data that is presorted with the technique of presorting by mail properties such as size in order to allow the system that "automatically measures the information by calculating and displaying parameters such as bulk postage rate . . . and additional postage due" (Wells et al. col. 6, lines 50-54).

Claim 31:

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McLintock/Wells et al. as shown above, discloses the limitations of claim 27. Wells et al. discloses checking the pre-sort status (see at least col. 6, line 44), but does not disclose the basis of the pre-sort. However, Vaghi, does:

- wherein the step of determining the delivery structure further includes checking whether the pre-sorting was carried out according to one or more size specifications (see at least Vaghi ¶ 0086).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of comparing and combining various mailpiece data that is presorted with the technique of presorting by mail properties such as size in order to allow the system that "automatically measures the information by calculating and displaying parameters such as bulk postage rate . . . and additional postage due" (Wells et al. col. 6, lines 50-54).

Claim 32:

McLintock/Wells et al. as shown above, discloses the limitations of claim 27. Wells et al. discloses checking the pre-sort status (see at least col. 6, line 44), but does not disclose the basis of the pre-sort. However, Vaghi, does:

- wherein the step of determining the delivery structure further includes checking whether the pre-sorting was carried out according to the weight of the mailpieces (see at least Vaghi ¶ 0086).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of comparing and combining various mailpiece data that is presorted with the technique of presorting by mail properties such as weight in order to allow the system that "automatically measures the information by calculating and displaying parameters such as bulk postage rate . . . and additional postage due" (Wells et al. col. 6, lines 50-54).

12. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIntock/Wells et al. in view of Official Notice.

Claim 42:

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McLintock/Wells et al. as shown above, discloses the limitations of claim 40. With regard to the limitation of:

- *selecting the specialized reading device as a function of the current capacities of available reading devices.*

Wells et al., in at least col. 6, lines 42-48, discloses capturing and analyzing mailpieces for authentic information, but does not specifically disclose selecting a particular reading device on the basis of available reading devices. However, the Examiner takes **Official Notice** that it is old and well known in the art to choose a processing machine based on its availability and capabilities. It would have been obvious to combine the method of checking mailpieces for authenticity with the technique of choosing an available and capable machine in order to expedite efficient and fast processing of the mailpieces.

To adequately traverse the examiner's assertion of Official Notice, the Applicant must specifically point out the supposed errors in the Examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. A general allegation that the claims define a patentable invention without any reference to the Examiner's assertion of Official Notice would be inadequate. Support for the Applicant's assertion of should be included.

Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Kevin H. Flynn** whose telephone number is **571.270.3108**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **John W. Hayes** can be reached at **571.272.6708**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

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3 June 2008

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